

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHEILA CLARKE, as Personal Representative
for The Estate of JANIKA NICOLE EDMOND,
deceased,

Plaintiff,

v

Case No.:
2:17-cv-10528-RHC-DRG
Hon. Robert H. Cleland

MICHIGAN DEPARTMENT OF CORRECTIONS,
WARDEN ANTHONY STEWART, individually and
in his official capacity, Deputy Warden, DAVID
JOHNSON; individually and in his official capacity,
Deputy Warden OSTERHOUT, individually and in his
official capacity, CO Dianna Callahan, individually
and in her official capacity, A/RUM KORY MOORE,
individually and in his official capacity, CO R'kIa
Taylor, individually and in his official capacity, Sgt.
Krista Surbic, individually and in her official
capacity, Sgt. Loren Hailes, individually and in his
official capacity, CO Heather Washington,
individually and in her official capacity, CO Johanna
Bartel, individually and in her official capacity, CO
Alexia Johnson, individually and in her official
capacity, CO Lashawna Donald, individually and in
her official capacity, CO Tracy Maupins, individually
and in her official capacity, RN Marcia Porter,
individually and in her official capacity, jointly and
severally

Defendants.

**JOINT MOTION TO AMEND ORDER APPROVING WRONGFUL DEATH
SETTLEMENT AND AUTHORIZING THE DISTRIBUTION OF PROCEEDS**

The parties herein, by and through their respective counsel, hereby

submit the following joint motion requesting that this Court amend the order entered approving settlement of this wrongful death action and authorizing the distribution of the proceeds, for the following reasons:

1. This is a civil action brought pursuant to the Michigan Wrongful Death Act, M.C.L. §600.2922, that sought money damages arising out of the wrongful death of Janika Edmond.

2. On April 4, 2019, Plaintiff filed a Motion for Approval of Wrongful Death Settlement and Authority to Distribute Proceeds.

3. On May 8, 2019, this Court held a hearing on Plaintiff's motion. Following the hearing, and after setting forth its ruling on Plaintiff's motion on the record, this Court entered an Order Approving Wrongful Death Settlement and Authority to Distribute Proceeds. (**Exhibit 1, Dkt # 80**).

4. On the record, this Court ruled that the net distribution amount, after attorney fees and costs, would be distributed equally between Janika Edmonds' adult siblings, Jacob Christopher Edmonds and Cazz Vinson, Jr.

5. The Order submitted to the Court listed by name all individuals who may have had a claim for a portion of the distribution of the settlement proceeds under the Wrongful Death Act. However, inadvertently, the Order did not list the two surviving grandparents, Jaami Muhammad and Cleveland

Edmond, who the court ruled would not share in the distribution of the wrongful death settlement proceeds.

6. The attached Amended Order lists the surviving grandparents for clarification purposes and the parties ask that the court enter the Amended Order.

7. For the reasons set forth above, the parties request that this Honorable Court enter the attached Amended Order Approving Wrongful Death Settlement and Authority to Distribute Proceeds. Once this Order is entered, the parties will submit a stipulation and order of dismissal with prejudice.

Respectfully submitted,

s/ Cary S. McGehee
Cary S. McGehee P42318
Pitt McGehee Palmer & Rivers P.C.
Attorneys for Plaintiff

s/ A. Peter Govorchin w/ consent
A. Peter Govorchin P31161
Attorney for Defendants MDOC,
Stewart, D. Johnson, Osterhout,
Taylor, Surbic, Hailes, Washington,
Bartel, A. Johnson, Donald and
Maupins

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individually and in her official capacity, CO Lashawna
Donald, individually and in her official capacity, CO
Tracy Maupins, individually and in her official
capacity, RN Marcia Porter, individually and in her
official capacity, jointly and severally

Defendants.

**AMENDED PROPOSED ORDER APPROVING WRONGFUL DEATH
SETTLEMENT AND AUTHORITY TO DISTRIBUTE PROCEEDS**

This matter having come before the Court on Plaintiff's Motion Approving
Wrongful Death Settlement and Authority to Distribute Proceeds, and the Court

having held a hearing on May 8th, 2019, allowing all interested parties to be heard, and the Court being fully advised in the premises, for the reasons stated on the record,

IT IS HEREBY ORDERED, that the Court approves the settlement, and Orders the following distribution of settlement proceeds in this matter:

Settlement Amount	\$860,000.00
Less Cost Expended	\$7,077.58
Net Settlement	\$852,922.42
Less Pitt McGehee Fees	\$142,153.74
Less David S. Steingold Fees	\$142,153.74
Less Papista & Papista, PLC Fees	\$13,542.60
Less GAL Fees	\$5,562.50
Less Medicaid Lien	\$0.00
Net Distribution Amount	\$549,509.84

Adult Siblings (Maternal Line)

Jacob Christopher Edmond	\$274,754.92
Cazz Vinson, Jr.	\$274,754.92

Minor Child

Ja'Quan Kyle Edmond	\$0.00
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Biological Parents

Frederick Kahlia Shears	\$0.00
Christina Mia Edmond	\$0.00

Grandparents

Cleveland Edmond.....	\$0.00
Jaami Muhammad.....	\$0.00

Minor Siblings (Paternal Line)

Aousha Amier Shears	\$0.00
Akya Darnell Shears	\$0.00

Amara Lee Shears	\$0.00
JaeLondra Imari Peterson	\$0.00
Imarion Jai Peterson	\$0.00
Emmi Ann Ski Merritt	\$0.00

This is a final order and disposes of the last pending claim in this case.

IT IS SO ORDERED.

HON. ROBERT H. CLELAND
United States District Court Judge

Dated: May 21, 2019

s/ Cary S. McGehee
Cary S. McGehee
Attorney for Plaintiff

s/ A. Peter Govorchin (w/ permission)
A. Peter Govorchin
Attorney for Defendants